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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,530	01/28/2000	Duane J. Pontbriand	60.158-107	2373
26096	7590	11/14/2003	EXAMINER	
CARLSON, GASKEY & OLDS, P.C.			NOLAN, SANDRA M	
400 WEST MAPLE ROAD			ART UNIT	PAPER NUMBER
SUITE 350			1772	
BIRMINGHAM, MI 48009			DATE MAILED: 11/14/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application N .	Applicant(s)
	09/493,530	PONTBRIAND ET AL.
	Examiner Sandra M. Nolan	Art Unit 1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 29,30,37 and 38 is/are allowed.
- 6) Claim(s) 21-28 and 31-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claims***

1. Claims 21-38 are pending.

### ***Rejection Maintained***

2. The 35 USC 103 rejection of claims 21-28 and 31-36 as unpatentable over Hsich in view of JP 06329958A (abstract) and the Crea Nova publication ("VESTOSINT" for Coil-Coating-Systems"), as set forth in section 7 of the 04 June 2003 office action (Paper No. 20) is maintained for reasons of record.

### ***Allowable Subject Matter***

3. Claims 29-30 and 37-38 are allowed. See the reasons for allowance in section 4 of Paper No. 20.

### ***Response to Arguments***

4. Applicant's arguments filed in the response of 04 September 2003 (Paper No. 21) have been fully considered but they are not persuasive.

The arguments in Paper No. 21 will be responded to in the order in which they were presented.

On page 2, in the second paragraph, applicants argue that Crea Nova teaches that the polyamides used in its coatings are used to "prevent abrasion".

However, on page 1 of the Crea Nova article, it states that the VESTOSINT powders are used to "improve" (second paragraph) various film properties, among them homogenous structured surfaces, low gloss and reduced dirt pickup (see the bullets at the bottom of the page). Abrasion resistance was the last bulleted item on the page.

Accordingly, the polyamide particles of Crea Nova are used for at least two purposes, i.e., structure and reduced gloss, which are not "cancel[led] out" (from paragraph 3 on page 2 of Paper No. 21) by the use of an outer layer. The use of the Crea Nova particles for structure and low gloss is consistent with their use in any layer of the coated product.

On page 2, in the third paragraph, applicants argue that the Japanese reference's epoxy resins are used for corrosion resistance and Crea Nova's polyamide particles would provide no benefit thereto.

However, as is discussed above, the Crea Nova particles also provide homogenous structured surfaces, low gloss and reduced dirt pickup, which properties are often desirable in corrosion resistant coatings.

In the same paragraph, applicants appear to argue that the epoxy resins of Hsich and the Japanese reference are distinguishable.

However, applicants had stated in the second sentence of the second paragraph, that Hsich uses its epoxy resin to "[prevent] corrosion". Later, in the third sentence of the third paragraph, they describe the Japanese epoxy resins as "provid[ing] corrosion resistance". Since the prevention of corrosion and the provision of resistance to corrosion are similar concepts, the Hsich and Japanese epoxy resins are similar, at least in function.

The motivation to employ the ingredients of each of the cited references in the combination suggested is found in those references, as discussed in the first full paragraph on page 4 of Paper No. 20.

On page 3, applicants assert that the examiner stated, on page 4 of Paper No. 20, that it is desirable to coat metal tubing with zinc to provide more corrosion resistance.

However, the examiner actually said, in the third full paragraph on page 4 of that action: "It is deemed desirable to make metal tubing that is coated with zinc (alloy) intermediate coatings more corrosion resistant and abrasion resistant in order to improve its useful life."

Applicants have misstated the examiner's comment.

Nonetheless, the examiner maintains her position that improvements in corrosion resistance and abrasion resistance in metal tubing having zinc or zinc alloy intermediate coatings would be beneficial because they would improve the useful life of the tubing.

***Final Rejection***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for the art unit is 703/872-9306. The receptionist answers 703/308-0661.

*S. M. Nolan*  
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SMN/smn  
09493530(22)  
08 November 2003